

TOWN OF MINTURN AGENDA – March 3, 2004

REGULAR MEETING 5:45 (Town Center)

CALL TO ORDER/ROLL CALL

Mayor Earle Bidez called the meeting to order at 5:45 p.m.

Council members present: Mayor Earle Bidez, Bill Burnett, Jim Kleckner, Jerry Bumgarner, Fred Haslee, Ron Spohrer and Darrel Wegert.

Also present: Nicole Magistro, Administrative Assistant; Jay Brunvand, Town Treasurer; Allen Christensen, Town Attorney; and Lorenzo Martinez, Chief of Police.

APPROVAL OF AGENDA

Motion by Jim K., second by Ron S., to approve the agenda with the following additions; all voted in favor. Strike Work Session and discuss those items in the regular meeting during Information Items. Table Ordinance #3 for language problems. Add executive session for the purpose of contract negotiations and personnel matters.

EXECUTIVE SESSION

- Contract Issues
- Personnel Issues

Motion by Fred H., second by Jerry B., to go into executive session pursuant to CRS Section 24-6-402(4)(e) for the purpose of discussing contract negotiations and Section 24-6-402(4)(f) for the purpose of discussing personnel matters. Those to be included in the Executive Session are the Council present, Town Manager Alan Lanning, and Town Attorney Allen Christensen; all voted in favor.

No decision was made.

The meeting was re-convened at 7:10 p.m.

LIQUOR LICENSE AUTHORITY

CITIZENS TO ADDRESS COUNCIL/CITIZEN RECOGNITION

The mayor gave an overview of the RV park proposal. He explained that the RV Park was discussed first in 1999 by the Visioning Committee as an economic development idea. Due to the town's infrastructure costs and population base, the committee tried to come up with ideas that would not cost the taxpayer but still bring revenues into town. Especially considering the town's water debt, the council and visioning committee came up with three ideas that they thought would increase revenues for the town: the Minturn Market, the River Restoration Project and an RV Park. The first two ideas have already come to fruition.

To reduce the risk to the town in developing an RV Park, the town hired a University of Colorado development team to outline the scope of the project. When that project was returned and the plans seemed satisfactory, the council decided to take the next step to see if any developers that might be interested in the project. Several avenues have been pursued. In order to limit liability to the town, a two-tiered structure for financing the project was developed. Two open-houses were held for public input where the conceptual designs were displayed. A long list of concerns was outlined and addressed, including the issues related to the Elk Habitat, geological surveys, traffic surveys, durability of the bridge, zoning, a business plan, feasibility, deed restrictions, approval process, noise and visual impacts and advertising.

Mr. Bidez explained that the existing proposal does not require a tiered financing system because the developer wants to develop the RV Park on its own and then enter into a favorable leasing situation for the town. Current negotiations have includee an expanded acreage from 10 to 16. As a result, property tax, sales tax, ground lease, profit sharing, infrastructure, park improvement, recreational facilities and public restrooms have all been put out on the table by the town to the developer.

Tony Aeillo expressed his concern over the procedures over the last meeting.

Tom Sullivan asked how many sites the current developer is proposing. Mr. Bidez indicated that number is currently proposed for 100 RV sites and 40-50 cabins. Mr. Sullivan noted that this might bring an estimated 500 extra people to town.

Steven Sprue, 525 Pine, asked about the financial gain that the town would realize.

Kelly Bradley, 422 Main, asked about previous KOA advertising. Earle B. said that it was premature and that KOA had agreed to advertise the park as part of the franchise agreement. She then asked about what the numbers are for possible revenues. Earle B. re-capped the previously mentioned benefits, noting that there are not exact numbers at this time. However, this revenue would definitely improve the overall picture of town revenues, especially noting the decreasing property and sales tax numbers.

Michael Boyd of 455 Main Street asked about additional tap fees as a cure to the water debt and whether the RV Park would eliminate that possibility. Earle B. explained that the town is not guaranteeing that a special assessment would be eliminated on water bills, but that an RV resort would put the town in a better financial situation to pay off its current water debt. Mr. Boyd then asked about limitations on businesses at the RV resort site so that existing businesses in town would not feel the impact of competing entities. Earle B. indicated that a small convenience store would be included at the site, but other amenities, including restaurants, would be limited to the commercial areas in town. He also noted that the council believed and RV resort would not compete with existing overnight hotels and inns in town.

Lynn Kanakis of 248 Main Street asked whether the water plant could handle the number of sites proposed. The mayor indicated that it could.

Kelly Tune of 531 Main Street asked whether there is a larger scheme to the development of the Two Elk Area and what the developable area surround the proposed RV resort is. Fred H. explained the geography of the proposed RV site. Earle B. explained the history of the town and Vail Associates, explaining that the town has been against VA bringing a chairlift into town from the ski area. Because we have a memorandum of understanding with VA and powerful pull with the Forest Service, it is unlikely that a portal would be opened in Minturn unless the town asked specifically for one. Mr. Tune also asked how the town plans to encourage tourist-friendly businesses rather than existing businesses, which he said are not open on the weekends and are unfriendly to tourists. Earle B. explained his background in the downtown business community in Minturn over a 15-year period. He noted that like the Minturn Market, he hopes the RV Park will help improve the foot traffic in town and the retail community. Lastly, Mr. Tune pointed out his experience working in an RV Park and questioned whether these RV'ers would actually spend their money here in Minturn, especially considering the proposed site is two miles from the downtown area. Earle B. shared a plan to expand ECO bus service to the site, as well as linking the ECO trails for better foot and bike traffic.

Alan Holub of 654 Main Street addressed concerns about later hours for retail businesses and a lack of evening foot traffic. He also noted that two years ago, more storefronts were empty than are today. Finally, he pointed out that the Minturn 3-Mile Plan protects Minturn from predatory development up-valley.

Earle B. explained the struggle to keep Minturn's charm without sacrificing the town's infrastructure. The ultimate question is how to keep town's cost of living down and its utilities working. The RV Park was one of the ideas that might provide relief from this dilemma.

Mr. Sprue asked about revenue stream from the Wind River development and the PUD on Taylor Avenue. The town estimates about \$40,000 in property taxes from each project.

Tom Sullivan asked about a timeline with the current developer. Earle B. explained that the town has its processes, which can not be shortened. There are no future meetings scheduled with the developer at this time.

Alan L. explained that there have always been three options for the town in developing the RV resort: 1) to develop and manage it entirely on its own; 2) to work with a developer, therefore reducing the financial risk to the town, while still managing the overall operations; or 3) to have an individual or organization develop and manage the RV resort, therefore eliminating the financial liability to the town while still benefiting from the resort's success.

David Bower of 441 Main Street asked about the possibility of putting this issue on the ballot for an election. Earle B. explained that under current election law, the town must only put an issue to the vote of the people if the municipality would incur debt by pursuing the issue. He also explained that this council believes it is their responsibility to make these types of decisions, as that is their elected duty. It also a big responsibility to completely research such an issue. Mr. Bower suggested that the public he has discussed the issue with is not in favor of the project.

Woody Woodruff 494 Main Street expressed his appreciation to the council for explaining the development of the RV Park. However, he believes that the town must take such an issue to a public vote because, in his interpretation, the proposed RV resort site was platted as a "park" to the town in 1979. Change in use for "parks" requires a vote of the people by town charter, he said. He then issued a letter to the council, staff and public from his attorney and asked Mr. Sullivan to read the letter aloud.

Mr. Sullivan read a letter addressed to the council that expressed Mr. Woodruff and his belief that an RV Park would legally be required to be voted on by the public. The letter was written by Arthur A. Abplanalp, Jr., L.L.C.

Mr. Woodruff explained the supplements to the letter (a plat map and deed restriction), and urged that the town opens itself to legal ramifications without putting the issue to a vote of the people. He also explained that he believes that those at the meeting want the best for the town's future.

Alan C. said the town would review the document and will be glad to discuss it at the next meeting.

Mr. Bower asked why the council cares so little about the public's opinion. Earle B. explained that the citizen concerns have been addressed as best as possible at this time. He also stated that the council is not unplugged from the full community's opinion on this issue and that many citizens he has talked with are for the RV resort.

Darrell W. asked Jay B. about the cost of a special election. Jay B. explained that a regular election costs \$1,500. An additional election would cost an additional \$1,500 since there is not sufficient time to put this issue on the April 6 ballot.

Randy Milhoan of 151 Williams explained the history of the "park" and its lack of use over the years.

Woody Woodruff explained that historically the land was used as a park and, more importantly, annexed to the Town as the Minturn Recreational Park in 1979. Earle B. again said that the town could discuss this issue after it has been thoroughly reviewed by the town attorney.

Lynn Kanakis asked about alterations to the current plan should the railroad come back through town. Earle B. explained that the proper signaling would be required.

Jim Gonzales, 472 Main Street, asked why the council can't divulge the developer's identity. Earle B. explained that it is the developer's request to stay anonymous until they are ready to be identified. Earle B. explained that because a commitment letter has been signed, generalities of the project can be discussed, which is a step forward from the last meeting.

Tony Aeillo suggested using the land for children's activities; he also said he would rather pay \$60 per month on his water bill than see an RV Park. Earle B. explained that keeping the cost of living down is very important to the town. Mr. Aeillo commended the Chadwick gravel operation for leaving the land in a good

shape after mining gravel on the property. Earle B. explained that the RV Park is an idea that would increase revenues on the land with less environmental impact.

Michael Boyd read part of the Vail Resorts deed that requires approval for the use of the property. He also expressed concern over access to the hiking trails. Earle B. explained all access to the hiking trails will be maintained and that the town has always asked Vail Resorts for permission to use the land when the use was something other than “recreational.”

Kelly Tune asked about a timeframe for the proposed RV resort project. Earle B. explained that in previous negotiations, the town has been in more of a hurry to close the deal because they were financing it and they were concerned about interest rates. The current negotiations provide no financial risk to the town so the town is not in a hurry to move the project along. He also emphasized that this is one of many proposals the town has fielded that just happened to generate a lot of public discussion.

Stan Cole, of 795 Main Street, applauded the council for giving information to the public in order to develop an educated opinion.

Tony Aeillo applauded the public that attended the meeting and expressed their concerns. Earle B. concurred, noting that it is always welcome to hear the input of the public.

Randy Milhoan noted that the Visioning Committee meets almost every Tuesday to discuss ideas for a better Minturn. Nicole M. asked public that is interested to contact her about getting on the committee list.

Jerry B. applauded the public for coming to the meeting.

Mr. Gonzales asked the council to define the use of “corporate retreat” at the RV resort when the time comes. Earle B. indicated that the council would do that, as well as re-evaluate any impact surveys.

In another issue, Michael Boyd of 455 Main Street expressed concern over the water pressure at his car wash. He summarized the issue, noting that the Public Works Director told him the water pressure had been turned down at one time. Earle B. said that the public works director said that he didn’t say the water had been turned down, and that in his nine years in public works for the town he has never changed the water pressure for the town. Earle B. also reported that the Fire Department tested line last fall and it came to 60 pounds of pressure. He explained that the town can’t turn up the pressure because it could damage other citizens’ lines. Fred H. noted that no one has ever built a car wash without knowing the existing pressure and that the system has not changed in 15-20 years. He disagrees with Mr. Boyd that this is the town’s responsibility.

Mr. Boyd said he was counting on what the public works employee told him. However, Floyd denies this. Fred H. asked whether Mr. Boyd based his design on what he was told, rather than the conditions that actually exist. Mr. Boyd said yes, but that the information came from the public works director.

Earle B. again explained that it would endanger public safety to raise the pressure system wide.

Bill B. explained the history of the water system and its recent change from the gravity-fed system to a pumping system.

Fred H. explained that if the pressure is absolutely critical, there are legal ways to increase pressure to one’s line, including asking for a variance to remove the PVC valve at the site.

Ron S. explained that the water pressure at his home has been steady for 20 years, since he installed his in-ground sprinkler system. He monitors this pressure every year to maintain his sprinkler. He does not understand why Mr. Boyd is arguing. He believes that the public works director’s story.

Mr. Boyd insists that he does not have enough pressure and that if the fire hydrant doesn’t have enough either, the town will have to increase pressure.

Bill B. suggested putting a pump inside his building to increase and maintain the water pressure. Mr. Boyd said he would look into it.

APPROVAL OF MINUTES

- February 18, 2004 – Regular Council Meeting

Motion by Jim K., second by Bill B., to approve the minutes for February 18, 2004 with no changes; six voted in favor, Earle B. abstained as he was not in attendance.

INFORMATIONAL/DISCUSSION ITEMS, COMMITTEE REPORT

- Old Town Hall Structural Assessment

Alan L. summarized the findings in the letter from Mark Mueller, a structural engineer who assessed the building at 243 Boulder Street. Framing, roofing and foundation issues are below code and currently the building is unsafe to occupy. A complete structural assessment, including drawings, could be done in addition to other work in the areas of electrical, plumbing, mechanical and asbestos abatement in order to get a clearer picture of the building's condition.

Earle B. indicated that the building cannot be used for the Centennial Celebration. The issue will be revisited with the new council at the town retreat. He directed the staff to find out how much further assessments might cost before giving up on the building. Alan L. said he would try to get the plumbing, mechanical and electrical assessments for a lower cost.

Bill B. said he would like to see the town do something with building. Earle B. concurred.

- ERC AGREEMENT: Phase II, River Restoration

Alan L. explained that the second phase master plan would be done for free by Ecological Resource Consultants if the town would grant ERC the contract for phase two of the restoration, should funds be gained from grants.

Fred H. urged that the plan include a full two miles along the river.

Alan L. indicated he would prepare the contract for ordinance form for the next meeting.

Darell W. made the council aware that the open space committee will be granting up to \$3.2 million per year for conservation. Cliff Simonton can be contacted for more information. Alan L. will check with Troy Thompson to make sure that application for open space dollars would not infringe on the dollars granted by NRDS.

- QQ DISCUSSION: Membership

In the past, the town has denied membership to the Northwest Council of Governments Water Quality and Quantity Committee. However, the town has recently protested water rights in a few cases; in addition, more stream flow is needed along the Eagle River now that it has been restored. The town's water attorney, Anne Castle, believes that becoming a member of QQ will help the town gain allies in this struggle to increase stream flow. The annual membership is \$700. Jay B. indicated that this was financially feasible.

- TRANSITION ISSUES UPDATE

The council is actively recruiting applicants for the town manager position. Alan L. explained that he has completed several projects and will update the transitional list for the council this week. Allen Christensen will act as interim town manager. Earle B. explained that with the permission of the council, he would like to appoint an interim town planner until someone is hired on full time.

- DONATION REQUEST: Pooh's Corner

Earle B. outlined a request for community sponsorship by Pooh's Corner, a local preschool. The school is hosting its annual Casino Night at the Vail Marriott on April 16, 2004. He outlined the sponsorship levels and their benefits.

Alan L. explained that last year, money was donated and the organization was made aware that they needed to apply in following years during budget season.

Motion by Jim K., second by Earle B., to approve a donation for \$250 to Pooh's Corner. Two voted aye; Ron S., Jerry B., Darell W., and Fred H. no.

Earle B. noted that the town does want to support community events, but applicants need to apply during the budget cycle.

RIVER RESTORATION UPDATE/PUBLIC INPUT

- Brochures have been distributed to residents along the river

ACTION ITEMS

- Ordinance No. 2 – Series 2004: An Ordinance Contracting With Alpine Building Consultants, Inc. For Town Wide Builder Inspections Service and Authorizing The Mayor To Sign The Contract. (Second Reading)

Motion by Ron S., second by Jerry B., to approve Ordinance No. 2 – Series 2004: An Ordinance Contracting With Alpine Building Consultants, Inc. For Town Wide Builder Inspections Service and Authorizing The Mayor To Sign The Contract on second reading; all voted in favor.

- Ordinance No. 3 – Series 2004: An Ordinance Authorizing The Mayor Of The Town Of Minturn To enter Into A Lease For Real Property Owned By The Town Of Minturn. (Second Reading)

Allen C. explained that the language of the contract needed to be edited.

Motion by Ron S., second by Jerry B., to table Ordinance No. 3 – Series 2004: An Ordinance Authorizing The Mayor Of The Town Of Minturn To enter Into A Lease For Real Property Owned By The Town Of Minturn on first reading; all voted in favor.

- Town Manager Selection Approval

Earle B. summarized the recruiting process for hiring a new town manager. The selection committee has narrowed the field for the council. Tonight the council would like to approve five candidates for interview. Several finalists have been asked that their names not be divulged.

Motion by Jim K., second by Fred H., to approve the selection committee's recommendations for five interviews for the position of town manager; all voted in favor.

- QQ Membership Approval/Denial

Motion by Ron S., second by Fred H., to approve QQ Membership for a period of one year; all voted in favor.

- Preliminary Plan Adjustment: Wind River LLC application to alter the site plan at 1869 Cross Creek Lane A&B and 1871 CC Lane A&B

Nicole M. explained the application by Wind River LLC. Two parking spaces have been added to accommodate the 4-plex. Stan Cole, who represents the developer, explained that the footprint of the building is changed by 2 feet.

Ron S. commended the developer for the quality of the project. The council concurred.

Motion by Jim K., second by Bill B., to approve the Preliminary Plan Adjustment: Wind River LLC application to alter the site plan at 1869 Cross Creek Lane A&B and 1871 CC Lane A&B; all voted in favor.

MANAGER & STAFF QUESTIONS

- Treasurer

Jay B. urged the public to get their petitions for the April election in early. The final deadline is March 5 at 5:00 p.m.

He also briefed the council on the audit for 2003. The auditors pointed out two issues that should be addressed: 1) rental of apartments should be first to staff, then to essential personnel and then to the public; however, last year's rental revenues were below budget; 2) *the reserve used for the building of the new town center was paid off (ask Jay)*. The auditors will be in to present to council in May or June.

- Police

Lorenzo M. indicated that the department is actively interviewing candidates for peace officer.

- Town Manager

The next two weeks will be spent cleaning out files, finalizing projects and transitioning the staff and council.

FUTURE AGENDA ITEMS

- River Setbacks
- Chapter 16
- Asphalt pan in south Minturn
- Debris removal in the river
- Comprehensive parking

ADJOURNMENT OF REGULAR COUNCIL MEETING

As there was no further discussion, the meeting was adjourned.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk